

REMARKS

Responsive to the lack of unity determination imposed in the outstanding Official Action, applicant hereby provisionally elects Group I (i.e., claims 1-18), element (a) (i.e. "allowing the presence of at least one compound selected from..."), a nonionic surfactant and combination 1. As to the requirement that applicant elects a particular sequence identification number, applicant provisionally elects SEQ ID NO: 1. Each of the elections is made with traverse.

The grounds for traverse are that the outstanding Official Action fails to satisfy the requirements of PCT Rules 13.1 and 13.2. PCT Rule 13.1 states that an "international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept". PCT Rule 13.2 states that "where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding technical features. The expression "special technical features" shall be those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art".

Thus, PCT Rules 13.1 and 13.2 require the citation of a reference. Although the outstanding Official Action cites to

EP 1029548, the Official Action fails to establish that the EP 1029548 evidences the lack of a "special technical feature".

In this regard, even if the Patent Office holds that EP 1029548 discloses a soluble thrombomodulin-containing freeze-dried preparation as set forth in claims 20-34, there is no indication that Groups I, II and IV constitute separate inventions for the purposes of PCT Rules 13.1 and 13.2. Moreover, there is certainly no recognition that the multiple election of species requirements set forth on page 3 of the Official Action are proper.

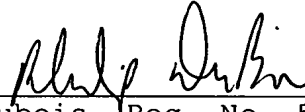
Thus, in this regard, applicant respectfully requests a search and examination of all the claims in their full scope. At the very least, applicant submits that (i.e., claims 1-19 and 35-37) Groups I, II and IV should be examined together and that the election of species requirements should be withdrawn.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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